



EPA Region 5 Records Ctr.



256338

May 9, 2005

Via Facsimile and Regular Mail

Mr. Craig Melodia
Associate Regional Counsel
U.S. EPA
Office of Regional Counsel (C-14J)
77 W. Jackson
Chicago, IL 60604

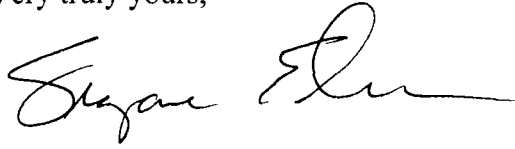
Re: Response to Information Request

Dear Mr. Melodia:

Union Pacific Railroad Company ("Union Pacific") is submitting the enclosed responses to the EPA's information request dated February 28, 2005 (response date extended by agreement until May 9, 2005). Please note that the responses are provided under the following general objections to the information request, whether or not separately set forth to each and every question presented in the request:

1. Privilege. Union Pacific objects to the request and to each paragraph therein, to the extent the EPA seeks information or documents protected under the attorney-client privilege, the work product immunity, or other privilege or immunity.
2. Scope. Union Pacific objects to the information requested and to each paragraph therein, to the extent that the EPA seeks information or documents outside the scope of EPA's authority under Section 104(e) of CERCLA.
3. Union Pacific is responding to the best of its current knowledge, information, and belief and based on its current investigation to date. Union Pacific reserves the right to produce additional information and to make further objections if additional responsive information and documents are identified or located.

Very truly yours,

A handwritten signature in black ink, appearing to read "Suzanne Echevarria", with a long horizontal flourish extending to the right.

Suzanne Y. Echevarria
Regional Environmental Counsel
Union Pacific Railroad Company
808 Travis, Suite 620
Houston, TX 77002
(713) 220-3226

/mkw

Enclosures

SOLVAY COKE AND GAS PLANT - MILWAUKEE, WISCONSIN
104(e) INFORMATION REQUEST

1. Did you ever use, purchase, store, treat, dispose, transport or otherwise handle any materials, including hazardous substances, at the Site? If the answer to the preceding question is anything but a qualified "no", identify:
 - a) the chemical composition, characteristics, physical state (e.g., solid, liquid) of each material;
 - b) who supplied you with such material;
 - c) how such materials were used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you;
 - d) when such materials were used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you;
 - e) where such materials were used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you;
 - f) the quantity of such materials used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you.

Response: ***Union Pacific Railroad Company or its predecessors (collectively UPRR) has not located any document or information to indicate it ever used, purchased, stored, treated, disposed, or otherwise handled any materials, including hazardous substances, at the Site, however, as a common carrier may have transported materials from the Site. UPRR will supplement its response if additional information should later become known or available.***

2. State the dates during which you owned, operated or leased the Site and provide copies of all documents evidencing or relating to such ownership, operation, or lease arrangement (e. g. deeds, leases, etc.).

Response: ***UPRR did not own, operate or lease the Site.***

3. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal, or other handling of hazardous substances by you, your contractors, lessors, or by prior owners or operators at the Site.

Response: ***None. UPRR has not located any document or information to indicate it generated, transported, treated, disposed, or otherwise handled hazardous substances at the Site. UPRR will supplement its response if additional information should later become known or available.***

4. Identify the prior owners of the Site. For each prior owner, further identify:
 - a) the dates of ownership;
 - b) all evidence showing that they controlled access to the Site; and,
 - c) all evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at the Site during the period that they owned the Site.

Response: ***UPRR did not own, operate or lease the Site.***

5. Identify the prior operators, including lessors, of the Site; For each operator, further identify:
 - a) the dates of operation;
 - b) the nature of prior operations at the Site;
 - c) all evidence that they controlled access to the Site;

- d) all evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the Site and/or its solid waste units during the period that they were operating the Site;

Response: UPRR did not own, operate or lease the Site.

6. Have you, or any other person working with you or on your behalf, ever accepted waste materials, including hazardous substances, for transportation to the Site from any person? If the answer to this question is anything but an unequivocal "no", identify:

- a) The persons from whom you or such other persons accepted waste materials for transport to the Site;
- b) Every date on which waste materials were so accepted or transported;
- c) For each transaction, the nature of waste materials accepted or transported, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the material was used or the process which generated the material;
- d) For each material, describe any warnings given to you with respect to its handling;
- e) The owner of the materials so accepted or transported;
- f) The quantity of the material involved (weight or volume) in each transaction and the total quantity for all transactions.

Response: UPRR has not located any document or information to indicate it ever accepted waste materials, including hazardous substances, for transportation to the Site from any person. UPRR will supplement its response if additional information should later become known or available.

7. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site. In addition, identify the following:

- a) The persons with whom you or such other persons made such arrangements;
- b) Every date on which such arrangements took place;
- c) For each transaction, the nature of the waste material or hazardous substance; including the chemical content, characteristics, physical state (e.g., solid, liquid) and the process for which the substance was used or the process which generated the substance;
- d) The owner of the waste materials or hazardous substances so accepted or transported;
- e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;
- f) The person (s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;
- g) Where the person identified in f) above intended to have such hazardous substances once they were brought to the Site;
- h) What was actually done to the waste materials or hazardous substances involved in such transactions;
- i) The final disposition of each of the waste materials or hazardous substances involved in each transactions;
- j) The measures taken by you to determine the actual methods, means and site of treatment or disposal of the waste material and hazardous substances involved in each transaction;

- k) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;
- l) The price paid for (1) transport or (2) disposal of (3) or both, of each waste material and hazardous substance;
- m) All documents containing information responsive to a)-l) above, or in lieu of identification of all relevant documents, provide copies of all such documents;
- n) All persons with knowledge, information, or documents responsive to a)-l) above.

Response: None.

8. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants, and damages resulting therefrom.

Response: None.

9. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any information requests or who may be able to provide additional responsive documents, identify such persons.

Response: None.

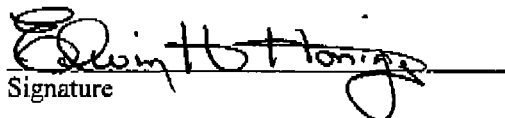
10. Provide copies of all local, state and federal environmental permits ever granted for the Facility or any part thereof (e.g., RCRA permits, NPDES permits, etc.)

Response: None. UPRR did not own, operate or lease the Site.

CERTIFICATION:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages 1 through 3, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

EDWIN H. HONIG, MGR OF SITE REMEDIATION
Name and official title of owner/operator


Signature

5/09/2005
Date signed